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AND RELATED LITIGATION

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FACSIMILE COVER SHEET

TO: The Honorable Commissioner
Attention: Steven L. Weinstein
Art Unit 1761

FROM: David H. Brinkman

Fax No.: (703) 872-9306

Phone: (513) 241-2324

Date: February 11, 2004

Fax: (513) 421-7269

Pages (including cover page): 19

Re: U.S. Serial No. 09/800,792 COTTON CANDY MARKETING AND PACKAGING
SYSTEM AND RELATED PRODUCT
Attorney Docket No. GME-138

ATTACHMENTS/COMMENTS: **OFFICIAL**

Please deliver to Steven L. Weinstein
Request for Continued Examination (1 page)
Preliminary Response (16 pages)
Petition for Three (3) Months Extension of Time (1 page)

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PTO/SB/30 (08-03)

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**Request
For
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	09/800,792
<i>Filing Date</i>	March 7, 2001
<i>First Named Inventor</i>	John C. Evans
<i>Art Unit</i>	1761
<i>Examiner Name</i>	Steven L. Weinstein
<i>Attorney Docket Number</i>	GME-138

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendment and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. Other After Final Amendment filed on December 1, 2003
- b. Enclosed
- i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS)
- iv. Other Preliminary Response

2. **Miscellaneous**

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)

b. Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. Deposit Account No. 23-3000

- i. RCE fee required under 37 CFR 1.17(e) \$385.00 (small entity)
 - ii. Extension of time fee (37 CFR 1.136 and 1.17) \$475.00 (3 months)
 - iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	<u>David H. Brinkman</u>	Registration No. (Attorney/Agent)	40,532
Signature		Date	<u>2/11/04</u>

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that the correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	<u>David H. Brinkman</u>	Date	<u>2/11/04</u>
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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application for a patent. It will be used to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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